

1 LATHAM & WATKINS LLP
Stephen Stublarec (Bar No. 69451)
2 Paul T. Llewellyn (Bar No. 216887)
505 Montgomery Street, Suite 2000
3 San Francisco, California 94111-6538
Telephone: (415) 391-0600
4 Facsimile: (415) 395-8095
Email: Paul.Llewellyn@lw.com

5
6 Attorneys for Plaintiff
PLANTRONICS, INC.

7
8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA
10 SAN JOSE DIVISION
11

12 PLANTRONICS, INC., a Delaware
corporation,

13
14 Plaintiff,

15 v.

16 AMERICAN HOME ASSURANCE
COMPANY, a New York corporation; THE
17 INSURANCE COMPANY OF THE STATE
OF PENNSYLVANIA, a Pennsylvania
corporation; ATLANTIC MUTUAL
18 INSURANCE COMPANY, a New York
corporation,

19
20 Defendants.
21
22
23
24
25
26
27
28

CASE NO. C07-06038 PVT

**STIPULATION AND [PROPOSED] ORDER
CONTINUING CASE MANAGEMENT
CONFERENCE TO MAY 6, 2008**

(Honorable Patricia V. Trumbull)

STIPULATION

WHEREAS, the complaint was filed on November 29, 2007;

WHEREAS, on November 29, 2007, the Court set an initial case management conference for March 18, 2008;

WHEREAS, on January 31, 2008, plaintiff, Plantronics, Inc. ("Plantronics"), filed a motion to stay the action, pending resolution of underlying litigation currently pending against Plantronics, as to which this action relates;

WHEREAS, concurrently with its motion to stay proceedings, Plantronics filed a motion for an order shortening time on its motion to stay the action, requesting a hearing date on its motion to stay of February 19, 2008;

WHEREAS, on February 1, 2008, this Court denied Plantronics' motion for an order shortening time on its motion to stay the action;

WHEREAS, that order was specifically without prejudice to Plantronics' seeking a stipulated continuance of the scheduling deadlines;

WHEREAS, on February 4, 2008, defendant Atlantic Mutual Insurance Company ("Atlantic Mutual") filed a motion to dismiss plaintiff's complaint, which was set for hearing on March 18, 2008;

WHEREAS, on February 5, 2008, Plantronics re-filed its motion to stay the action, and set the motion for hearing on March 18, 2008;

WHEREAS, on February 12, 2008, the parties filed a stipulation and proposed order continuing the case management conference to April 22, 2008, because they believed it would be more efficient and it would avoid the possible waste of judicial resources to have the benefit of the Court's rulings on the motion to stay and motion to dismiss before the case management conference was held, and before the parties met and conferred regarding initial disclosures, and they filed their Rule 26(f) reports;

WHEREAS, on February 12, 2008, the Court issued an order continuing the case management conference to April 22, 2008, and continuing the associated case scheduling deadlines accordingly;

1 WHEREAS, on March 11, 2008, the Court issued a notice that the hearing on
2 Plantronics' motion to stay and Atlantic Mutual's motion to dismiss had been continued to April
3 8, 2008;

4 WHEREAS, pursuant to the Court's February 12, 2008, order, the parties are to
5 meet and confer regarding initial disclosures by April 1, 2008, and to file their Rule 26(f) reports
6 by April 15, 2008;

7 WHEREAS, the parties agree that it would be more efficient and it would avoid
8 the possible waste of judicial resources to have the benefit of the Court's rulings on the motion to
9 stay and motion to dismiss before the case management conference is held, and before the parties
10 meet and confer regarding initial disclosures, and they file their Rule 26(f) Reports;

11 WHEREAS, the parties agree that the case management conference should be
12 continued to May 6, 2008, and the associated scheduling deadlines should be continued
13 accordingly;

14 NOW, THEREFORE, subject to the Court's approval, the parties STIPULATE
15 that the case management conference scheduled for April 22, 2008, be continued to May 6, 2008,
16 and that the associated case scheduling deadlines be continued accordingly.

17 IT IS SO STIPULATED.

18 Dated: March 25, 2008

LATHAM & WATKINS LLP

19
20 By: Paul Llewellyn
21 Paul T. Llewellyn
22 Attorney for Plaintiff
Plantronics, Inc.

23 Dated: March 25, 2008

ROPERS, MAJESKI, KOHN & BENTLEY

24
25 By: Dean A. Pappas
26 Dean A. Pappas
27 Attorney for Defendant
28 Atlantic Mutual Insurance Company

1 Dated: March 25, 2008

LEWIS BRISBOIS BISGAARD & SMITH

By: 

Timothy Kirk

Attorney for Defendants

American Home Assurance Company and
The Insurance Company of the State of
Pennsylvania

28

ORDER

Pursuant to the above stipulation of the parties, and good cause appearing, IT IS ORDERED that the case management conference shall be continued to May 6, 2008, and that the associated case scheduling deadlines shall be continued accordingly.

Dated: March __, 2008

Patricia V. Trumbull
United States Magistrate Judge

SF\649424.1